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IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE:) Chapter 11
) Case No. 08-35653 (KRH)
CIRCUIT CITY STORES, INC., et al.,)
) Jointly Administered
Debtors.)

**RESPONSE OF SAVE MART SUPERMARKETS TO LIQUIDATING
TRUSTEE'S FORTY-FIRST OMNIBUS OBJECTION TO LANDLORD CLAIMS
(REDUCTION OF CERTAIN INVALID CLAIMS – MITIGATION)**

Comes now Save Mart Supermarkets, a California corporation, by counsel, and for its response to the Liquidating Trustee's Forty-First Omnibus Objection to certain Landlord Claims (reduction of certain invalid claims – mitigation), Docket Number 11852 states as follows:

1. The Claimant's name is Save Mart Supermarkets, a California corporation, ("Save Mart") which was a landlord to the Debtor and party to a Lease Agreement with the Debtor for a store located in the Sequoia Plaza in Visalia, California, which Lease was dated March 13, 1992.
2. Save Mart filed a Proof of Claim against Circuit City Stores, Inc. in connection with this Lease Agreement. The date of filing, the claim number and the amount of this claim is set forth below:

| <u>Date of Filing</u> | <u>Claim Number</u> | <u>Amount</u> |
|-----------------------|---------------------|---------------|
| April 23, 2009 | 12353 | \$ 275,825.64 |

3. The Trustee's Forty-First Omnibus Objection seeks to expunge this claim on the basis that the claim should be "reduced by amount of rejection damages subject to modification upon timely receipt of mitigation information". Save Mart asserts that the Debtor is responsible for this entire rejection claim.

4. The persons with personal knowledge of the relevant facts supporting the response include various officials who are employed by or represent Save Mart Supermarket in California. These individuals are familiar with the mitigation efforts of Save Mart in attempting to re-lease the premises.

5. The Bankruptcy Court should overrule the objection to Claim No. 12353 on the basis that the claim is valid and on the basis that Save Mart tried diligently to mitigate its rejection loss without success.

6. Attached hereto is a Declaration of Cheryl L. Miller, President of Stockdale Management, Inc., (the company responsible for the management and leasing of the Save Mart center) a person with personal knowledge of the relevant facts which support this response.

7. The claimant's telephone number, fax number and the claimant's attorney to whom the attorneys for the Trustee should serve a reply to the response are as follows:

Attorney: Paul S. Bliley, Jr.

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8. The name, address, telephone number and fax number of the party to reconcile, settle or otherwise resolve the objection on the claimant's behalf is the attorney set forth above.

Dated: June 25, 2012

SAVE MART SUPERMARKETS

By /s/ Paul S. Bliley, Jr.
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of June, 2012, I caused a copy of the foregoing response to be served by electronic means on the "2002" and "Core" lists filed in this case and through the ECF system and in addition, I mailed a copy of the foregoing Notice by first class mail, postage prepaid to the following:

Jeffrey N. Pomerantz, Esquire
Andrew W. Caine, Esquire
Pachulski Tang Ziehl & Jones LLP
10100 Santa Monica Boulevard
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20 North Eighth Street, 2nd Floor
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/s/ Paul S. Bliley, Jr.
Paul S. Bliley, Jr.

DECLARATION

I have personal knowledge on behalf of Save Mart Supermarkets as to the relevant facts in support of the response of Save Mart Supermarkets to the Forty-First Omnibus Objection filed herein by the Liquidating Trustee. The Court should overrule the objection as to the claim of Save Mart Supermarkets both factually and legally.

The legal and factual basis for the overruling of the Objection is that Save Mart attempted diligently to release these premises. Information detailing the efforts had previously been given to Beth Levin, attorney for Liquidating Trustee as part of efforts to negotiate this claim.

Cheryl L. Miller,
President of Stockdale Management, Inc.,

By /s/ Cheryl L. Miller